

## REMARKS

In accordance with the foregoing, claims 1-3, and 10-12 are amended. No new matter is added. Claims 1-12 are pending and under consideration.

### CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claims 1-12 are rejected under 35 U.S.C. §112, first paragraph relative to the recitation "coupon usage information." The respective recitation is removed from independent claims 1-3 and 10-12.

Claims 1-12 are rejected under 35 U.S.C. §112, second paragraph, because the language is considered unclear. Applicants have simplified the claim language herewith.

In view of the claim amendments, Applicants respectfully request the rejections of the claims under 35 U.S.C. §112 to be withdrawn.

### CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,842,737 to Stiles et al. (hereinafter "Stiles") in view of U.S. Patent No. 6,085,976 to Sehr ("Sehr").

Independent claim 1 is amended to further recite "storing a given person's itinerary." This claim amendment is fully supported by the originally filed specification, for example, see the traveler database 12 in FIG. 1, and the schedule information in FIGS. 2 and 3 with the associated descriptions. Further, amended claim 1 specifies "consulting said given person's itinerary more than once from a beginning to an end of a period according to said given person's itinerary" (underlined is the added language). This amendment is supported by the originally filed specification, for example, page 2, line 13, through page 3, line 8. As stated therein, the method "with the travelers in transit as object, [provides] optimal timings and optimal points advertising information" (the travelers being in transit means within a period between a beginning and an end of traveling according to the itinerary). Additionally, in the indicated portion of the specification, following consulting the itinerary, information is broadcast "in connection with the dates and times and/or places concerned" (i.e. more than one date/time/place). Moreover, information being broadcast following the consulting more than once is inherently disclosed because otherwise it would not be possible to take in consideration adjustments according to the travel progress.

The Office Action submits that "Stiles does not explicitly teach travel progress determined from a travel schedule which is updated using travel progress information based on actions of the given person which includes at least one of travel usage information, replacement ticket information or coupon usage" (see lines 13-16 on page 4 of the outstanding Office Action). However the Office Action relies on Sehr to compensate for Stiles failure to disclose all the features recited in the independent claims.

Sehr is directed to a travel system and methods that encompass a plurality of service providers and multi-application passenger cards so as to automatically compile, issue, utilize, and process the portable passenger cards for traveling purposes, purchase of travel-related goods and services, and for the implementation of other card-based applications. As stated in the outstanding Office Action, Sehr does teach collecting "demographics information" (see col. 11, lines 28-29 of Sehr). However, the information is collective information and not related to a "given person" as is the case in claim 1. Sehr does not teach or suggest tracking travel progress based on ticket usage information. In order to monitor the travel progress, it is necessary to store an individual initial itinerary which may be updated according to travel progress prior to a certain travel segment linked to Sehr's service providers. Sehr does not teach or suggest any travel update concerns focusing on the carrier (i.e. plane) availability and not on a traveler itinerary.

Therefore, Sehr fails to correct or compensate for the above identified failure of Stiles to teach "broadcasting to [...] said given person, pre-registered advertising information or reference information in connection with dates and times when consulting said given person's itinerary, and/or places which the given person's itinerary indicates when consulted, and adjusted according to a travel progress determined from travel ticket usage information or replacement ticket."

Since Stiles and Sehr alone or in combination fail to render obvious all the features of the independent claims, claims 1-12 are patentable<sup>1</sup>.

Specifically, amended independent claim 1 is patentable at least by reciting "automatically broadcasting to one or more information terminals and at least one communication address for said given person, pre-registered advertising information or reference information in connection with dates and times when consulting said given person's

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<sup>1</sup> See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

itinerary, and/or places which the given person's itinerary indicates when consulted, and adjusted according to a travel progress determined from travel ticket usage information or replacement ticket information of said given person."

Amended independent claim 2 is patentable at least by reciting "matching more than once during respective traveling periods according to the travel schedules, the broadcasting prerequisites for the relevant information with the travel schedules, extracting travelers who meet the broadcasting prerequisites, and broadcasting the relevant information to the extracted travelers' communications addresses according to travel progress of the extracted travelers determined from travel ticket usage information or replacement ticket information."

Amended independent claim 3 is patentable at least by reciting "broadcasting at predetermined times said relevant information to the communications addresses for the extracted travelers, the predetermined times being determined from travel progress information based on travel ticket usage information or replacement ticket information." Claims 4-9 depending directly or indirectly from patentable claim 3 are also patentable at least by inheriting patentable features from independent claim 3.

Amended independent claim 10 is patentable at least by reciting "broadcasting means for broadcasting at predetermined times said relevant information to the communications addresses for the extracted travelers, broadcasting means adjusting the predetermined times based on travel progress of the extracted travelers determined from travel ticket usage information or replacement ticket information."

Amended independent claim 11 is patentable at least by reciting "broadcasting at predetermined times which are correlated with the travel-plan schedules, the advertisements to communications addresses for the travelers participating in the travel plans wherein the predetermined times are adjusted based on travel progress determined from travel ticket usage or replacement ticket information."

Amended independent claim 12 patentably distinguishes over the cited prior art at least by reciting "sending advertising data to the specified travelers more than once during a travel period, in accordance with the travel schedules, wherein the travel schedules are updated using travel ticket usage information or replacement ticket information."

## **CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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